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OF THE JOURNAL

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Wash. St. and State Ave.—N. S. Driggs. Wash. St. and State Ave -N. S. Driggs. Wash. St., No. 763 East-Baron Bros. West St., No. 503 North-C. W. Eighrodt.

Yandes and 9th Sts.-Dixon.

WEAVER-Jackson R. Weaver, aged twenty-hine Years Funeral at St. Paul's Episcopal Church Saturday, March 13, at 2 p. m. Interment at MORGAN-Dr. B. B. Morgan, aged forty-six. Funeral from residence of J. C. Barnbill, Irv-

ington, at 1 p. m. Friday, March 12. Interment at Crown Hill. FUNERAL NOTICES. HARDIN-Funeral of James Samuel Hardin will be this morning at 10:30, from 140 Cornell ave-

FUNERAL DIRECTORS.

FLANNER & BUCHANAN-172 North Illinois street. Lady embaimer, for ladies and children. Office always open. Telephone 641. Hacks at lowest prevailing price.

FOR SALE OR EXCHANGE. FOR SALE OR EXCHANGE-By C. W. Phillips restaurants, stores, merchandise, printing offices livery stocks, sanitariums, farms, timber, coal oll, gas and other mineral properties, stocks, ids, notes, mortgages, city and town property, building and loan, insurance, rentals,

FOR SALE.

FOR SALE-100 bicycles carried over from '96 at less than cost. C. G. FISHER & CO., 64 North Pennsylvania street FOR SALE-A paying drug store in a good railroad town in northern Indiana. Address NA-TIONAL MEDICAL DENTAL AND DRUG EX-

FINANCIAL.

LOANS-Money on mortgages. C. F. SAYLES, 75 East Market street. LOANS-Mortgage; lowest rates, NEWTON TODD, 6 Ingails block.

FINANCIAL-Cracker Jack's Little Brother the best paying article on the market. Investigate LOANS-Sums of \$500 and over.

C. E. COFFIN & CO., 30 East Market street. MONEY-To loan on Indiana farms. Lowest rates, with partial payments, Address C. N. WILLIAMS & CO., Crawfordsville, Ind. LOANS-Any amount. On furniture, planes, store fixtures, etc. Reasonable rates. (Confidential.) E. J. GAUSEPOHL, 2½ W. Wash. St., Room 4. MONEY-To loan on Indiana farms. Lowest market rate; privileges for payment before due. We also buy municipal bends. THOS. C. DAY & C., Rooms 325-230, third floor Lemcke

FOR RENT. FOR RENT-Business Properties 136 South Meridian street, 45x156.

236 West Washington street, 22x120. 24 West Ohio street, 20x60. 69 East Ohio street, 20x60. C. F. SAYLES, 77% East Murket. WANTED-MALE HELP.

WANTED-Salesman-Experienced selling job

bers through retailers; elegant goods, high com-

mission; state experience. STAPLES, 254 Pearl street, New York. WANTED-Office man; experience unnecessary salary \$9 per week and half profits; goods fur nished; paid for after sold; required capital \$25 Call or address 4 Massachusetts avenue, corner of Penrsylvania.

WANTED-An idea. Who can think of some simple thing to patent? Protect your ideas; they may bring you wealth. Write JOHN WED-DENBURN & CO., patent attorneys, Washingpatent attorneys, Washington, D. C., for their \$1,800 prize offer and new list of 1,000 inventions wanted.

WANTED-AGENTS.

WANTED-Agents-Male and female, to introduce "The New Process" window washer; con sists of water tank, sponge and rubber dryer

bined; simple and effective; a great convenience and time saver; good seller; prepaid 75 cents to agents; money refunded if not satisfactory. KIEFER BROS., Cleveland. O. BUSINESS CHANCE.

BUSINESS CHANCE-Wanted, everybody to make money. Consult with Cracker Jack's Little CLAIRVOYANT.

CLAIRVOYANT—The true berald of merit is deeds; do not be deceived, but call on Mrs. T. Griswald. Office and residence was Frank. and residence 296 East South street. Letters with stamps answered. STORAGE.

STORAGE-Indianapolis Warehouse Co., 265-273 S. Penn. st., Pennsylvania tracks. Phone 1343.

EX-GOV. MATTHEWS CHOSEN. Elected a Member of the State Board of Agriculture.

The State Board of Agriculture met yesterday at the Statehouse to consider a number of questions. Foremost among them was the election of a member from the Ninth district to fill the place left vacant by the death of James N. Sankey, of Terre Haute. Ex-Governor Claude Matthews was elected to the place.

The board decided to recommend the appointment of V. K. Officer, of Volga, to the vacancy on the Live Stock Sanitary

The work of revising the premium list consumed a great deal of time, though no radical changes were made. The total amount of money paid in awards will remain about the same, but the list was considerably revised with reference to classi-

A proposition was received from a num-

ber of Indianapolis gentlemen who are desircus of getting the use of the race track for a meeting next August. The proposition was taken under advisement by the executive committee, who will report on it at their next meeting, April 6. The bulldings were all ordered painted and the grounds put in condition for the next fair. In the afternoon a joint committee from the Board of Trade and the Commercial Club were in conference with the board The committee was composed of Caleb S Denny, Dr. Sloan, Mr. McGettigan and Albert Metzger, of the Board of Trade, and President Fortune and Secretary Woollen. of the Commercial Club. The conference was in line with the recent resolutions of the bodies represented, to co-operate with the Board of Agriculture to make the state fair a success. The gentlemen of the committee pledged themselves to do everything in their power to secure better railroad facilities, more extensive advertising in the newspapers and to do whatever lies in their power to contribute to a successful fair. The Board of Trade resolution, asking for a representative from Indianapolis on the Board of Agriculture, was presented, but setion will have to be postponed until the

meeting next year. The board is now \$3,500 in debt, all of which was lost at last year's fair. This year the board intends to practice all the conomy possible, and, with the help of better advertising and better attractions in the way of privileges, hopes to clear expenses and to make up, at least in part, the deficiency. Secretary Kennedy said yesterday he thought the chances good for successful fair, but that in these troublous times it would not co to count on anything. "If the people have money to spend we will give them something for their money, but if times do not get better there is no telling what will be the out-

MR: M'CABE'S SUCCESSOR

AGENT OF THE PANHANDLE.

President Ingalls Takes an Encouraging view of the Situation-Other Items of Railway News.

In official freight circles there was a general expression of satisfaction that James B. Hill, general Western freight agent of the Pittsburg, Cincinnati, Chicago & St. Louis lines, succeeding D. T. McCabe, who | April 12. becomes general freight agent of the Pennsylvania at Pittsburg. Mr. Hill was born in Indianapolis in 1840, was educated at Asbury University, Greencastle, and entered railroad service when twenty years oid with the engineering corps of the then Atlantic & Great Western. In 1863 he accepted the position of traveling freight agent of the Union Star line, which brought him back to this city as headquarters. In 1872 he was appointed agent of the Pennsylvania of \$202,278.32. line at Milwaukee, and in 1886 was promoted general Western freight agent of the Pennsylvania lines, with headquarters at Chicago, the position being created for him. Mr. Hill has been sought for by other strong lines, but has always been loyal to the Pennsylvania Company, and the present promotion shows that his services have been appreciated. Who will succeed Mr. Hill at Chicago as general Western freight

agent has not been fully decided upon. President Ingalls Interviewed.

M. E. Ingalls, president of the Big Four ture of business. After speaking kindly of the administration of President McKinley, he expressed the belief that there would be an era of better times before he had long been in office. Mr. Ingalls said: "Just settles the tariff question, the good times | competent conductors, Their earnings show improvement, and, even in the face of unstable rates, they will continue to improve. Take the earnings of February; they show an increase over those of the same period last year, and you will find that March will show greater improvement. The fact is, of course, that the rate situation is bad all over the country, and it is evident that there is a disregard of rates. There is a spirit of unrest abroad, and, to a marked extent, nervousness prevails in the railroad business. Some of the lines outside of the Joint Traffic Association, notably the Norfolk & Western and the Ciover Leaf, are making all sorts of excuses to reduce rates, and if this continues, it must mean financial losses. I don't believe in the policy of summarily reducing rates. It certainly would be much easier to arrange a conference for the regulation of alleged abuses, no matter whether they are secret or open, than to rush before the pube with a tariff involving sweeping cuts.

"While I believe a full and general adherence to rates will not come to pass before next July, I am free to declare that I am a strong and firm believer in the Joint Traffic agreement. So far as I am concerned I will contribute my part to its maintenance, and I believe it is going to ive, no matter what the United States Circuit Courut of Appeals may decide as to its legal make-up. The association is absolutely necessary. It has done more in its brief existence for the railroads of the East than all the previous agreements combined, and if all the lines will pull together, much good can be accomplished. I strongly advocate strengthening the organization wherever practicable and possible, and if the courts decide that the agreement is illegal, it will of course be shown wherein the objectionable features lie. They can then be shaped to meet the requirements of the law."

Unequal Commissions. Unequal commissions are still causing the

Western and transcontinental roads considerable trouble. The inequalities arise from causes beyond the control of the roads directly interested. The Join Traffic and General Passenger Association roads refuse to pay commissions of any kind on transcontinental business. Roads running south from Washington and routing their California business via New Orleans do pay commissions. This has a tendency to divert business in that direction which would otherwise take the Chicago or St. Louis gateway. The roads running west from these points suffer serious inroads on their traffic and revenue. The only way which appears open for them to retain their business is to absorb the commissions themselves which the Joint Traffic and Central Passenger association refuse to pay, but which the Southern roads do pay. A nental lines was held in Chicago Feb. 17 to reach an agreement as to what should be to-day to resume the discussion of the

Personal, Local and General Notes. local and export business at Baltimore. Charles Mordaugh, who for years represented the Chicago, Milwaukee & St. Paul

in this territory, has taken charge in Pitts-James McCrea, first vice president of the ennsylvania Company, for a couple of ays has been inspecting the Grand Rapids

& Indiana. The State of Georgia will soon begin suit against the Nashville, Chattanooga & St. Louis Railway for property in Chattanooga said to be worth \$250,000.

C. A. Boyden has been appointed traveling freight agent of the Chicago, Milwaukee & St. Paul, vice W. W. Hall, promoted, with headquarters at Cleveland. The Ohio Falls car works, at Jeffersonville, now have their passenger, as well as

freight, department in operation, giving employment in the passenger department to seventy-live men. Train 5, over the Pennsylvania, yesterday morning brought in forty-four schoolteachers from Xenia, who came to visit the

chools of Indianapolis. The party was furnished a special car. In the eighteen hours ending at 6 p. m vesterday there were sent out from the Big Four yards at this point for Cincin-

nati thirteen freight trains, averaging

thirty loaded cars to each train. At Newport News and its immediate vieinity, on Tuesday, there were standing on side tracks 3,220 cars loaded with grain and flour for export via that port, and vessels are being loaded as fast as possible. F. A. Baucheus has been appointed ticket

agent of the Pennsylvania Company at Lima, O., vice B. H. Oyler, resigned. Mr. Baucheus comes from the office of Assistant General Passenger Agent Dering, at The Columbus & Hocking Valley, which a few days ago passed into the nands of a

receiver, makes an unfavorable exhibit for

February, showing a decrease in gross

earnings as compared with February, 1896,

The Cincinnati, Hamilton & Dayton has been running excursions late Cincinnati for persons who wish to attend the Moody meetings. On the 9th the road carried into Cincinnati on that mission over four hun-

Freight Officials Carroll, of the Union Pacific; Vallery, of the Chicago, Burlington & Quincy; Bemus, of the Queen & Crescent, and Keavy, of the Michigan division

of the Big Four, are in the city on official business. Mr. H. M. Clay, city passenger agent of the Union Pacific, at Denver, has been promoted to the position of general agent at

becomes general passenger agent of the Oregon Short-line. The Vice President Hobart party made up a purse of \$70 and presented it to the engineer who handled the engine which made the phenomenal run with the party recently. The fireman should have had one-

half of the purse, at least. Receiver McDoel, of the Louisville, New Albany & Chicago, purposes on Monday to get the representatives of the company in official positions together at Chicago for a general conference with Charles Rockwell, the new general traffic manager. Gross earnings of the Northern Pacific

road for the month of February were

ings were \$12,913,079, against \$14,308,236 for the corresponding period in the previous year, a decrease of \$1,395,157.

George T. Jarvis, receiver of the Louisville, Evansville & St. Louis, is congratulatnot damaged by the floods of the early part of the week, neither passenger nor freight service being interfered with. With the retiring of William Stewart as general freight agent of the Pennsylvania

loses its oldest freight man in time of service, he having entered that department with the company forty-live years ago. The board of managers of the Joint Traffic Association has ordered that until June 30 next the rate on steel rails from Bessemer, Pa., to New Orleans and points throughout Alabama and Louisiana, Mississippi and Arkansas shall be \$4.95 per ton. road declared half-yearly dividends yesterthe Pennsylvania Company, had accepted day of 2 per cent, on common and 3 per the possition of general freight agent of cent. on preferred stock. They are payable April 19 to stockholders of record March Books will close March 29 and reopen

Hot Springs, W. Va., is becoming a very popular bealth and pleasure resort. During the past winter an average of 250 persons have been stopping there and the passenger department of the Chesapeake & Ohio business

The Toledo, St. Louis & Kansas City earned in the first week of March \$40,920.57 an increase over the corresponding week of earned \$1,570,943.05, an increase over earnings of the corresponding period last year Receivers seem to be able to secure new

ceiver of the Vandalia, purchased 20,000 ton at \$17 per ton, and W. H. McDoel, receiver of the Monon, purchased 3,000 tons at \$16 per ton. vania lines west, and John F. Miller, general superintendent of the Southwestern system, were in the city yesterday, and in the afternoon went over the Indianapolis

& Vincennes to look after the damage done by the high waters. A cablegram reports Gen. George J. Magree, president of the Falls Brook road, now in Nice, France as probably turned on that evidence alone, but that and the Chesapeake & Ohio, takes a very fatally ill. Mr. Magree was the originator pleasant view in most respects of the fu- of the merit system of punishing railway employes which has been introduced on several roads of late.

Charles Beli, passenger conductor on the Big Four, was yesterday dismissed from the company's service. No reasons were assigned. Mr. Bell has been with the comas soon as the special Congress meets and one of the company's most popular and Campbell, and did not think it possible were discovered in a plot to break out.

that are close at hand must arrive after | The preliminary survey of a road from the duties are fixed. So far as that is con- College Corner to Richmond, Ind., was completed yesterday. The distance is six- | the members' pass books that the stockteen and one-half miles. The impression is that this time it is to be built and that the Cincinnati, Hamilton & Dayton is interested in its construction. -

J. S. May, superintendent of the Richmond division of the Pennsylvania Railroad, and W. C. Pennock, of Logansport, master mechanic of the Chicago division, have arranged to take a trip to Europe and will leave in April to be gone until June. Mr. May's health is somewhat im-

All tickets issued by the Eric Railway Company prior to Dec. 1, 1895, have no value at present according to a notice issued by the passenger department. Conductors have been instructed not to accept them for passage. This is done to make worthless a lot of ticke's stolen which the scalpers are offering for sale, it is stated. Officials of the Chicago roads are prepar-

ing for a hearing before the Illinois Legislature next Wednesday against the twocent-per-mile maximum passenger rate law. Their arguments will be directed to show-But the Norfolk & Western has promised ing that such a law would be wholly unto withdraw its tariff, and if it secures the reasonable and the interests of the public consent of the Louisville & Nashville, it will would be injured rather than promoted by its passage.

A radical change is to be made at once in the dining-car service of the Erie road, the entire department to be controlled by the Erie people, instead of the Pullman Company. The change is to go into effect at once. For twelve months the Pennsylvania Company has been controlling the dining-car service on its lines, with very satisfactory results.

Train 21, over the Vandalia, to-day will haul two sleeping cars, one from Cincinnati, the other from Indianapolis, which were chartered to carry sportsmen to the prize fight at Carson. The Vandalia will turn them over to the Missouri Pacific at St. Louis. The cars will be occupied until the party returns. At St. Louis four more sleeping cars and a dining car will be added to the train.

Operating officials of the Santa Fe road have decided that the bulk of the 50,000 tons of steel rails recently purchased by the company shall be used in relaying portions of the tracks between Chicago and Kansas City. This will be done with the view of putting that portion of the system into the nighest possible physical condition, so that any desired rate of speed can be made on it by through passenger trains.

A dispatch from Toronto says: "The reported decision of General Manager Hayes to have all trains made up at Port Huron instead of Sarnia, thus removing many workmen from Canada to the other side, is meeting with severe condemnation in labor circles here. The president of the Canadian Trades and Labor Congress says it is clearly a great injustice to Canadian workmen, and vigorous protests will be made to the Grand Trunk management against such

Frank Reed, general passenger agent of the Monon, was in the city yesterday on official business. He states that passenger business had begun to improve when the trouble from high waters came, and now that the road is again all right he looks meeting of the Western and transconti- for a marked increase in travel before the month expires. Their new line between discuss the matter. They then failed to | Chicago and Baltimore, over the Monon. the Cincinnati, Hamilton & Dayton and done. Another meeting has been called for the Baltimore & Ohio, has been doing a very satisfactory business, and, he says, has come to stay.

George T. Gunnip, general agent of the Santa Fe lines passenger department, is in The Pennsylvania Company yesterday the city. He states that W. J. Black, reannounced that it was again open for both | cently appointed general passenger agent of the road, now has matters moving along smoothly, so well was he acquainted with the detail work of the department, having been the assistant general passenger agent. Mr. White is but thirty-two years of age, and there is not a subordinate in his demost of them in time of service. F. T. Hendry, who represents the company in the Detroit district, formerly at Indianapolis, has just completed his twentieth year of service in the passenger department of the Santa Fe.

THREE-CENT FARE DISCUSSION. Public's Recourse if the Company Cripples Its Service.

A Journal reporter was reminded yesterday, while speaking of the 3-cent-fare bill, that during the long street-car strike in this city several winters ago W. P. Fishback, now dean of the law school, applied for a receiver of the Citizens' Street-railroad Company on the ground that it was a quasi public corporation, and was failing to perform the duties the public had the right | the bank. to demand. His petition was granted, a receiver was appointed, operated the road for a few days and earned considerable money to turn over when the difficulties were finally adjusted and street-car traffic was resumed.

It was suggested that a similar action might lie in case the service of the company were crippled by its refusal to carry any day, and five is not an unusual numpassengers for a 3-cent fare. Mr. Fishback | ber. was seen about the matter. He did not seem to think that there would be any process by which an outsider could apply for a receiver so long as the company carried out its obligations. Whether the operations of the law would be suspended during the pendency of the litigation, Mr. Fishback seemed to think, would depend upon the character of the litigation and the action of the courts. He referred to the fact that many things can be done by injunction. As a general proposition, when an appeal is taken and a supersedeas bond is given the judgment cannot be enforced during the appeal. Still that would only apply to the udgment for money, the question upon which the suit would turn.

Mr. Miller Examining the New Bill. W. H. H. Miller, of counsel for the Citizens' Street-railroad Company, is already preparing himself for the litigation which amending the street-car law passed by the late Legislature. Yesterday Mr. Miller and asked to see the bill as it passed the Legislature. From expressions used by the ex-attorney general it is believed the company will contest the New bill on the theory that it is unconstitutional.

Removing Park Theater Debris. Dickson & Talbott are preparing to remove the debris of the Park Theater fire immediately. Controller Johnson yesterday issued the necessary permit. The work will cost about \$1,000.

Husband's Calcined Magnesia.

Four first-premium medals awarded; more agreeable to the taste and smaller sponding month last year, a decrease of dose than other Magnesia. For sale only | St. Louis & Kansas City Railroad, yester-\$23,298. From July 1 till Feb. 28 gross earn- in bottles with registered trade mark label, day filed his report with the clerk of the

J. B. HILL TO BE GENERAL FREIGHT ing himself over the fact that the road was PITIFUL STORY OF HUGH CAMP-BELL, GUILTY OF EMBEZZLING.

> ines on the 1st of April the Pennsylvania | Preyed on His Conscience-His Wife's Sad Fate Led Him to Become a Drunkard.

In the Criminal Court, yesterday, was one of the most pitiful cases that has come Directors of the Milwaukee & St. Paul to the knowledge of the court officials for by his efforts. It is alleged that the instia long time. It was that of Hugh Campbell, who lives in the northeastern part of the city. He was sentenced to two years' imprisonment for embezzlement.

A few days ago he surprised the members of the grand jury very much by appearing and asking to be allowed to testify against himself. His son was with him. is making efforts to further increase the | He went on the stand and told of his connection with the Bee Hive Savings and Loan Association. He said that for eight or nine years he has been secretary and 1896 of \$7,211.07. Since July 1 the road has treasurer of the association. It has a very small membership of workingmen, most of whom were not familiar with business methods. Campbell said that for a steel ralls at lower prices than the general | long time he had been embezzling small officers of solvent roads. V. T. Malott, reamounts from the association. He said that when a man would make a payment | missioners to pay a bill of \$72, which the he would give credit on the man's pass book for the correct amount, but would General Manager Loree, of the Pennsyl- enter on his own book a less amount. These sums amounted to about \$3 or \$4 a

> This statement of Campbell was so unusual that when Campbell had left the grand jury room Mr. Wiltsie, who was trustee is entitled to no allowance for present, advised that no indictment be resome of the stockholders of the association be called in and that the books be holders could believe that Campbell was an embezzler.

On this testimony the grand jury returned an indictment against Campbell, charging him with embezzlement. He was in court when the indictment was returned, and as soon as given an opportunity pleaded guilty to the charge. He offered no excuse for his acts, but said he had committed a crime and desired to pay the penalty. When told by Judge McCray that two years' imprisonment was the least penalty possible he did not offer any obections. There was a great inclination on the part of all the court officials to make the penalty lighter than that in view of all the circumstances, but there was no way to do so. Campbell asked Judge McCray to receive the grand jury's report, if a commitment could not be made out immediately, and let him go to the penitentlary last

Campbell's case is a pitiful one in many ways. About three years ago his wife went blind during child birth, and this preyed on Campbell's mind so much that he went to drinking, a thing he had never before done. He kept drinking until about three weeks ago, in that time scarcely drawing a sober breath. Then he seemed to determine to sober up, and since that time has not drank a drop of liquor of any kind. With his sober mind came the full to prey on his mind. He knew that he could not make up his defalcations, and began to worry about the matter. In this frame of mind he called on At

torney W. L. Taylor, who had formerly acted as attorney for the association in some business matters. Mr. Taylor said the matter was not one on which the advice of an attorney should be asked. He was very much surprised to hear Campbell's story, and could scarcely believe it. When Campbell appeared before the grand jury he was accompanied by his son. The son was questioned as to his father's condition. The boy said that his

statement was correct, although he was sorry that it was true Campbell has a wife and two children here. Mrs. Campbell is blind and the old- in case of insolvency. 2. Such liability can during his father's incarceration. There was talk yesterday in the Criminal Court | crues. of making an application for a pardon soon, which would undoubtedly be signed by the court officials and the members of | hearing. the grand jury. It is believed that Campbell is a man whose thoughts will sufficiently punish him for his act, and that imprisonment would simply result in hard-

ship for his family. It is feared that Campbell may attempt to commit suicide, and he is being closely watched by the sheriff, who will advise the warden at Michigan City to continue the watch. The one explanation of the confession is that the matter had so preyed on Campbell's mind that he feared it would overcome him and cause him to commit suicide, and he preferred to confess and go to the penitentiary rather than commit

DWIGGINS MUST GIVE UP. Supreme Court's Decision Against the

Erstwhile Banker. Robert S. Dwiggins, one of the Dwiggins brothers who had a family failing for banking, received a hard blow in the Supreme ppeal of Morton E. Runner, assignee of the Commercial Bank of Oxford, from a judgment in favor of Robert S. Dwiggins. Dwiggins held \$5,000 of stock in the bank when it failed and was sued to enforce his partment who is not older in years and individual liability to the bank's creditors to an amount equal to the face value of his stock. The bank in question was one of the institutions established by the Dwiggins brothers as branches of their Chicago

The opinion was written by Judge Jordan and states that the peculiar liability imposed by law upon the shareholders in a state bank is not in any sense an asset. right, or interest of the bank which is transferable by deed of assignment in case of insolvency. The court held that this liability was created for the benefit of the bank's creditors, and that suit could be brought to enferce it only by the creditors. In the original case a creditor of the bank ad attached a piece of land belonging to Dwiggins, and the assignee filed suit under this attachment. The Circuit Court of Lake county refused to permit him to hold the land on the ground that the personal liability of the stockholders in a state bank | ery, is held to be an executory contract and can only be enforced by the creditors of

Increase in Divorce Suits. Divorce suits are keeping a rather close pace with the number of marriage licenses that are being issued. Five were filed yes-

John Griffin, sr., is seventy years of age, and his wife, Johanna, is much younger. In this case December and May do not live happily together. May is the second wife of December. He says she has been arthe city Police Court "times without number." He has paid fines for her there and He says she has promised many times to reform, but has always broken her promise. He now asks for a divorce.

also alleges that she has applied to him many vile names. Lucy Spratt alleges statutory grounds in her petition for a divorce from George Spratt. She says that he was caught by the husband of Richard Ely in an unlawful condition, and to escape he jumped through a window sash, all of which was published in the daily papers at the time, Salt Lake, to succeed D. E. Burleigh, who | called at the office of secretary of state | much to the mortification of the plaintiff. She also alleges that the defendant beat and choked her several times. Anna Egenbacher says her husband, Leonard, is an habitual drunkard, and has ing for defendant A. C. Smith. often abused her by striking her with his Della Miller says she was abandoned by

Eugene Watkins asks to be divorced from

Rebecca Watkins on statutory grounds. He

City in January, 1896, leaving her sick among strangers and without money. also says that during their married life from October, 1895, to January, 1896, she supported herself and her husband by her own work. She asks for \$5,000 allmony.

Receiver Peirce's Report. Receiver R. B. F. Peirce, of the Toledo,

of his receivership and for the month of February. The report shows: Cash on hand March 1, 1897..... \$47,152.04 For February, 1897:

Total receipts \$332,038.67 Total disbursements 284,886.63 An Institute Agent Sues.

William W. Hafer yesterday filed suit against the owners of the H. R. Allen National Surgical Institute for \$3,560, alleged to be due for the plaintiff's services as soliciting agent for the defendant. The complaint alleges that the plaintiff was engaged as an agent in February, 1894, and worked until April, 1896, on a contract whereby he was to receive a salary of \$30 a month, all traveling expenses and 10 per cent, of the receipts from patients secured tute received over seven hundred patients through the work of the plaintiff before he left the defendant's employ, from whom more than \$25,000 has been collected, and that since April, 1896, a large number of patients have come to the institute on account of the work done by the plaintiff prior to April, 1896. Hafer asks judgment for \$3,500, covering 10 per cent. commission on \$25,000 and the same per cent, on the amount that may be collected from other patients secured by him.

Trustees Allowed No Buggy Hire. A township trustee is not to have the privilege of traveling about the country behind a livery horse, unless he pays for the luxury out of his own pocket. Such was the decree of the Supreme Court yesterday in affirming the decision of the Circourt Court of Fountain county, in the case of the trustee of Jackson township. The court refused to order the Board of Comtrustee had contracted for livery hire in the transaction of township business. The court, by Judge Monks, holds that if a trustee is allowed his livery bills by the township he must also be allowed his railroad fare. In pursuance of the same principle, County Commissioners would also

have to be allowed their traveling expenses

when attending meetings of the board. The

amount of the decision is that a township

which the statutes do not especially pro-Trial of the Carthage Robbers. The trial of Albert J. Rabb. Robert examined. This was done. The stock- Landis, William Gleason and Walter Donholders who were examined were very nelly, the men arrested in this city for a much surprised when the nature of the burglary committed at Carthage, will becase was made known to them. They had | gin at Rushville to-day. The prisoners were pany since 1877 and has been considered always had the most implicit confidence in confined in the jail at Connersyille and They were then brought here for safekeepthat he could be an embezzler, and it was not until the books were compared with and Ware and Detectives Kinney and JUDICIARY COMMITTEE BEGINS ITS Inornton will go to Rushville to-day with the prisoners and will serve as witnesses in the case. The detectives arrested Donnelly on Feb. 1 for loitering, suspecting that he was implicated in the Carthage burglary. A week later Sergeant Kruger and Patrolmen Streit and Ware arrested the other three men in a room in the

Ryan block. THE COURT RECORD.

Supreme Court. TOWNSHIP TRUSTEE-LIMITED POW ERS-LIVERY HIRE.

17999. Fountain C. C. State ex rel. Shuler vs. Board of Commissioners. Affirmed. Monks, J.-1. School and civil townships have only the limited powers conferred upon them by statute, and the trustee cannot bind his township by an obligation which it is not authorized to assume. 2. A township is not required to pay livery hire for of the committee yesterday. He said that a horse and buggy used by the trustee in riding over the township to transact township business, and the trustee cannot bind ! it to pay such a bill. MORTGAGE-FORECLOSURE

SATISFACTION. 18114. Noble C. C. State ex rel. Hadley vs. Clapp et al. Affirmed. Howard, J.-i. The purchase of mortgaged property at a sale upon foreclosure by the mortgagee, who also holds a senior mortgage, which knowledge of his actions, and this began | he forecloses and has the and sold a second time, does not satisfy the junior mortgage debt so as to entitle the mortgageor to payment of the balance remaining from the purchase price at the second sale, after satisfying the senior mortgage. 2. Such balance must be applied to pay the debi secured by the junior mortgage upon which the first sale was had ... STOCKHOLDER 1. BANK-LIABILITY

-HOW ENFORCED. 18044. Lake C. C. Runner, assignee, etc. vs. Dwiggins. Affirmed. Jordan, C. J.-1. The statutory liability of a stockholder in a bank organized under the laws of this of his stock, created by Section 2696, R. S. 1881, as amended in 1895, is not an asset of the bank, and does not pass to the assignee est boy is scarcely able to provide for her be enforced only at the suit of the creditors, when any right of action to enforce it ac-

18119. Elkhart C. C. Carmien vs. Cornell et al. Petition to dismiss postponed to final

Appellate Court. INSANE-GUARDIAN-VOID APPOINT MENT-ALLOWANCE

Green C. C. Jessup vs. Jessup, administrator. Affirmed. Wiley, J.-1. Where a parent and his or her adult children live together as members of the same family, there is ordinarily no implied undertaking to pay for services; but such undertaking may arise not only from an express contract, but may be inferred from surrounding circumstances. 2. Where the mother of an insane man contracted with his supposed guuardian to care for him at her home for a fixed and reasonable compensation, but the appointment of the supposed guardian afterward proved to be il legal, the insane person's administrator properly allowed the mother's bill for caring for him as a valid claim against his estate. 3. A guardian for an insane person. whose appointment is void for lack of notice and the presence of the insane person in court, is a trustee for his supposed ward, bound to good faith, but entitled to be re-Court yesterday. The court affirmed the imbursed for money necessarily and prop- case, from the fact that there has never erly expended in caring for the ward. 4. The court may make to such a guardian. acting in good faith, but under a void appointment, a reasonable allowance for services and attorney's fees. EXECUTORY CONTRACT SALE-WHAT

CONSTITUTES. 2134. Monroe C. C. Branigan vs. Hendrickson. Affirmed. Comstock, C. J.-1. If, by the terms of a contract, the property is the subject matter of the contract passes immediately to the buyer, it is a sale; but if the property in the thing sold is to remain for a time in the seller and only to pass at a future time, or if a condition inconsistent with the immediate transfer of the property be annexed to the contract. it will be deemed an executory contract. 2. Whether any particular contract is a sale or an executory contract is generally a question of fact depending upon the intentions of the parties as gathered from the terms of the contract. 3. The agreement for the purchase of hogs in this case having to be completed by the feeding of the hogs for four weeks, by weighing and the payment of nearly all the purchase price when it should be ascertained and by delivnot a completed sale. PASSENGER-EJECTION FROM TRAIN

-WILLFUL ASSAULT. 2092. De Kalb C. C. Baltimore & Ohio R. R. Co. vs. Norris. Affirmed. Black, J.-1. A railroad company is bound not to commit a willful and unprovoked assault even upon a trespasser upon its train or tracks. terday and three on Wednesday. It is sel-The use of unnecessary force, accompadom the number filed is less than two on nied by opprobrious and indecent language and epithets on the part of a conductor in ejecting from his train a trespasser who makes no resistance, but behaves in a quiet and orderly manner, is an actionable wrong for which the railroad company is liable No degree of carelessness on the part of the person can excuse a willful assault and battery committed on him. 4. A person who enters the wrong train under an honest rested for drunkenness and convicted in mistake is entitled to be treated as a passenger. 5. Where a companion of plaintiff, after he had failed to pay his fare on demand, offered to pay the fare for the a number of times in magistrates' courts. | entire party, taking out of his pocket sufficient money to do so before the conductor had attempted to stop the train, and the conductor refused to accept it and ejected all of them from the train, the railroad company is liable to plaintiff as for the wrongful expulsion of a passenger.

Superior Court. Room 1-John L. McMaster, Judge. James G. Blythe vs. H. H. Howland; on

note. Finding and judgment for plaintiff against defendant for \$636.80. Mary Showalter vs. William Cline, sr., et al.; on note. Finding and judgment for plaintiff for \$153.75. Perry Tully vs. A. C. Smith et al. Appeal from Teller, J. P. Finding for plaintiff against defendant James F. Smith. Find-Metallic Manufacturing Company Frank Holt. Dismissed and costs paid. Chris Bernloehr vs. Mrs. George W. her husband, Henry J. Miller, in Kansas Dugan. Dismissed and costs paid. Room 2-Lawson M. Harvey, Judge

> verdict for defendant. Carl Harvey and Edward Phillips, the George W. Askren vs. Rezin Hammond et notes. Judgment against defendant for \$96.52 and costs. H. J. Milligan vs. Equifable Trust Company; damages. On trial by jury. Room 3-Vinson Carter, Judge

United States Court, both for the full term | contract. Jury returned verdict for plaintiff in the sum of \$180. Laura Fitzgerald vs. Samuel Delzell; ac count. On trial by jury.

Criminal Court. John C. Ruckelshaus, Judge Pro Tem. State vs. James C. Ross; selling liquor on Sunday. Trial by court. Not guilty. State vs. Elizabeth Stratman; surety of peace. Dismissed.

J. F. McCray, Judge. State vs. Harry Hicks; grand larceny. Arraigned and pleaded not guilty. State vs. Mollie Smith and Marion Davidson; grand larceny. Arrraigned and pleaded not guilty. State vs. John Richardson; assault to commit rape. Arraigned and pleaded guilty but changed by court to not guilty.

State vs. Otto Farmer and Charles Hicks; burglary. Pleaded not guilty. State vs. Wm. D. Ochiltree; embezzlement. Pleaded not guilty. State vs. Mabel Scott and Harry Scott; grand larceny and receiving stolen goods Pleaded not guilty. State vs. Hugh Campbell; embezzlement, On plea of guilty sentenced to two years'

imprisonment. Circuit Court.

Henry Clay Allen, Judge. Wm. H. Spahr vs. Howard Amick. Robert E. Smith withdraws his appearance. Finding and judgment against defendant for \$30

and costs. H. C. Jacobs et al. vs. Robert R. Sloan. Submitted to court. Evidence heard. Harry Day vs. the Citizens' Street-railroad Company. Dismissed and costs paid. George T. Evans vs. J. L. Tyffo et al. Dismissed and costs paid. Indiana Bond Company vs. Amelia M. Miller et al. Defendants Fulmer & Fulmer defaulted. Finding for plaintiff and judgment for \$63.02 against all defendants, and finding in favor of cross-complaint in the sum of \$302.55 and costs.

New Suits Filed. John Griffin vs. Johanna Griffin; divorce, Room 1 Keokuk Bag Company vs. Nordyke & Marmon Company et al.; on note. Room 1. Eugene Watkins vs. Rebecca Watkins; divorce. Room 3. Anna Egenbacher vs. Leonard Egenbacher; divorce. Room 2. William W. Hafer vs. Horace R. Allen, jr., et al.; on contract. Room

Jane Sanders et al vs. Indianapolis & Broad Ripple Rapid Transit Company et al.; on contract. Room 3. Lucy Spratt vs. George Spratt; divorce.

Della Miller vs. Henry J. Miller; divorce,

Room 2

COUNTY BAR AND M'CRAY

INVESTIGATION.

Grand Jury Reports-It Did Not Have Sufficient Time-No Criminal Libel Indictments, However.

The judiciary committee of the Marion County Bar Association held its first meeting for the purpose of hearing evidence in the investigation of the conduct of the criminal judge last night. Several witnesses were examined. The meeting was held behind closed doors. This part of the matter was satisfactorily explained by a member the duty of this committee would be merely to examine the facts and make a recommendation to the grievance committee of the bar association if the facts warranted that action. To be sure to obtain all the testimony possible, it was agreed that the evidence given should not be made public. There is no means of compelling witnesses to testify and it was thought that this would bring out the evidence better

than if the meetings should be public. If this committee should find that there is reasonable grounds for bringing charges against Judge McCray it will so report to the association, which report will be the basis of charges upon which the grievance committee will be asked to pass. The grievance committee will then hear evidence at public meetings to determine what action shall be taken. Judge McCray will then be accorded the right to be represented by father was all right mentally, and that his | State, to an amount equal to the face value | counsel and to be present himself, while the bar association would appoint counsel to prosecute the case.

GRAND JURY HAD NO TIME. Continues the McCray Investigation

Till Next Session. The grand jury yesterday made its final report for the March term. Twenty more indictments were returned, making a total of thirty-two for the term. In addition to the statement of the indictments, the re-

"The grand jury further reports that the instructions given to investigate the public allegations concerning attempts to corrupt the judge of the Criminal Court of this county come to them too late; that we have not had sufficient time to make such investigation at this session as the importance of the case requires, and we have continued the same until next month." Many people have gained a false impression of the facts in regard to the grand jury and the Criminal Court. Many think that if the grand jury does not return an indictment against Judge McCray it will exonerate him of the many charges of irregularities in his court. Such is not the the negro. He is charged with vagrancy. been a thought of returning an indictment

against Judge McCray. He has never been

irregularities mentioned are not things

charged with any indictable offense. The

for which he can be indicted. In the first place there was a general clamor that the grand jury investigate the statement attributed to Judge McCray that preferment if he would render certain deand was investigating it. Then Judge Mc-Cray made an effort to have certain court reporters indicted for criminal libel. The first investigation would not have brought out any testimony on the charge of irregularities, but the effort to have the reporters indicted necessarily must bring into consideration the various things that have been written about the court. If they are found to be true there can be no indictments for criminal libel. As the matter now stands, if the grand jury, in its final report on the investigation for criminal libel, fails to return indictments against the reporters, the report will, by its negative effect, proclaim the truthfulness of the charges made in the newspapers, for it will virtually say that the charges are true and therefore not libelous. In any event there can be no action of the grand jury against Judge McCray more than the jurors might take upon themselves in reporting on any of the county institutions where they be lieve there are evils to be corrected. might censure the judge, but it could not indict him on anything that has been made

public. The grand jury, at its March session, discharged three prisoners on account of the lack of sufficient evidence and examined 181 witnesses. The indictments returned yesterday on which arrests have already been made are as follows. Harry Hicks, Feb. 15, larceny of an overcoat valued at \$35 from the When store. Mollie Smith and Marion Davidson March 4, larceny of \$92 from John Carroll. John Richardson, March 3, attempted rape on Blanche Zallezzi. Carl Harvey and Edward Phillips, Jan.

Otto Farmer and Charles Hicks, March 1, burglary of the shop of Albert Clingler and Jacob Gethel. William D. Ochiliree, Jan. 4, embezzlement of \$115 from William D. Huffman. Hugh Campbell, Jan. 15, embezzlement of \$50 from Bee Hive Savings and Loan As-

22. assault with intent to rob Job Eldridge.

Mabel Scott, March 8, larceny of \$170 from Robert Mettler. Harvey Scott, March 8, receiving stolen Carl Harvey and Edward Phillips, Jan.

22; accessory after the fact to the murder

of Frank Redmond with grand larceny, were ordered released on account of lack of evidence. Wm. D. Ochiltree, who lives on Jefferson avenue, near Clifford avenue, was indicted for embezzling \$115 from Wm. D. Huffman, Mr. Ochiltree was a traveling salesman for Huffman, and it is charged that he used this money for his personal use. He is of good family, and has a most estimable wife and six children, all of whom are al-James W. Lamkin vs. Citizens' Streetmost heartbroken over the trouble of Mr. railroad Company; damages. Jury returned

two men who have been held in jail since night of Jan. 22, were indicted on two ceived their fellow-men. One is of assault with intent to the scene of the attempted robbery that | cost, you may procure a trial bottle for 19 Thomas Rafford vs. Ellen Tomlinson; preceded the murder. The other indictment cents of almost any druggist.

TO CURE NERVOUS DYSPEPSIA.

To Gain Flesh, to Sleep Well, to Know What Appetite and Good Digestion Mean, Make a Test of Stuart's Dyspepsia Tablets.

Interesting Experience of an Indianapolis Gentleman.

No trouble is more common or more misunderstood than nervous dyspepsia. People having it think that their nerves are to blame and are surprised that they are not cured by nerve medicine and spring remedies; the real seat of the mischief is lost sight of; the stomach is the organ to be looked after.

Nervous dyspeptics often do not have any pain whatever in the stomach, nor perhaps any of the usual symptoms of stomach weakness. Nervous dyspepsia shows itself not in the stomach so much as in nearly every other organ; in some cases the heart palpitates and is irregular, in others the kidneys are affected; in others the bowels are constipated, with headaches; still others are troubled with loss of flesh and appetite, with accumulation of gas, sour risings and heartburn.

Mr. A. W. Sharper, of No. 61 Prospect street, Indianapolis, Ind., writes as follows: "A motive of pure gratitude prompts me to write these few lines regarding the new and valuable medicine, Stuart's Dyspepsia Tablets, I have been a sufferer from nervous dyspepsia for the last four years, have used various patent medicines and other remedies without any favorable result. They sometimes gave temporary relief until the effects of the medicine wore off. I attributed this to my sedentary habits, being a bookkeeper with little physical exercise, but I am glad to state that the tablets have overcome all these obstacles, for I have gained flesh, sleep better, and am better in every way. The above is written not for notoriety, but is based on actual fact."

Respectfully yours A. W. SHARPER. 61 Prospect street, Indianapolis, Ind. It is safe to say that Stuart's Dyspepsia Tablets will cure any stomach weakness or disease except cancer of stomach. They cure sour stomace, gas, loss of flesh and appetite, sleeplessness, palpitation, heartburn, constipation and headache. Send for valuable little book on stomach diseases by addressing Stuart Co., Marshall, Mich

harges them with being accessory after the fact to the murder of Frank Redmond

All druggists sell full sized packages at

CHANGES THE RECORD AGAIN. Judge McCray's Way of Conducting

Court-A Rape Case. Yesterday afternoon, in the Criminal Court, John Richardson, colored, was arraigned on an indictment charging him with assaulting a six-year-old girl. He pleaded guilty to the charge. He had told the whole story of the affair in the grand jury room. After the arraignments were all disposed of this case was called on Richardson's plea of guilty. Mr. Wiltsle said the State would not be satisfied with a sentence of less than three years in the case. He asked that the court hear the testimony of the child's mother before passing sentence, merely so the court would be somewhat informed as to the circum-

of entering into a trial of the case. The defendant's attorney said he was satisfied with a sentence of three years, but would not object to the examination of the child's mother by the court in the manner suggested by Mr. Wiltsie. Thereupon Judge McCray ordered that a subpoena be issued for Mrs. Zallezzi to appear in court Monday morning, and also ordered that the record be changed to show a plea of "not guilty." The defendant or his attorney had not asked that the plea be changed. The record now shows that the boy has pleaded not guilty, and that a trial of the case must be had, while it was expressly stated by Mr. Wiltsie in his recommendation to the court that Mrs. Zallezzi be examined, that the examination contemplated should be by the court only, and that it should not be a trial in any sense of the case, but was merely for the purpose of allowing the court to get information from a source other than the prosecuting attorney before passing sentence.

stances of the case, and not for the purpose

LO, THE DUMB TALK.

A Beggar Whose Own Intoxication Betrayed Him.

Sergeant Scheigert was notified yesterday afternoon that a man was trying to pass a forged check at the office of Robert Martindale on East Market street. He hurried over and found a man half intoxicated and dressed as a tramp. He did not have forged check, but was working a "graft" that, but for his own condition, would have proved successful. He had a note signed by J. M. Morgan, of Hamilton, O., saying that the bearer, James Barry, was deaf and dumb and the only support of an invalid mother. Upon the strength of this he had collected several small sums, as was shown by the paper itself where names and amounts had been written. When arrested Barry talked loudly and plainly enough. A colored man begging

him. This offended Barry and he cursed

near the postoffice was thought to be a

pal of his and patrolman Buskirk arrested

Robert B. Duncan's Will. The will of Robert B. Duncan was admitted to probate yesterday. He left \$5,000 invested, with John S. Duncan as trustee, for the benefit of his son Robert, who is to have the interest during his lifetime. The other property was divided equally between his other three children after charging each he had been offered money and political with certain advances made to them. They are Annie D. Barber, Nellie D. Wilson and cisions. The grand jury took up this matter | John S. Duncan. He provides for the erection of a monument or the family lot at Crown Hill, "suitable to the condition the estate of myself and family." He had advanced to Mrs. Wilson \$10,837.50, to Mrs. Barber \$5,500, and to John S. Ducan \$5,824, John S. Duncan and John R. Wilson were

> Anheuser-Busch Bock Beer. The delicious bock beer brewed by the Anheuser-Busch Brewing Association will be on tap to-day. Family trade supplied in bottles. Telephone 1687. J. L. BIELER, Manager.

named as executors of the will.

In his able work entitled "Longevity," published a few years ago, Dr. John Gardner, of England, predicts that a vegetable agent will yet be found that shall so retard those changes that bring about old age, as to prolong human life much beyond its

Acting, perhaps, upon the impulse produced by this thought, many eminent physicians have called from time to time upon the Shakers of Mount Lebanon to inquire of them concerning the secrets of medicinal plants, in which those sincere, simpleminded and God-fearing people are known to be wise and skillful beyond all other

The Shakers willingly told what they had learned, and in return received from their visitors much valuable information about disease, which they at once made practical use of. The most important point was that if a genuine and certain remedy could be found for indigestion and dyspepsia, and the ailments growing out of it, a long step would be taken in the right direction. Old Fred Murdock and Elijah Powell, charged | age, said these physicians, begins in a fallure of the digestion, and so do most diseases at any and all periods of life. The result of these consultations was the discovery by the Shakers of the desired specific, made wholly from herbs, and now known as the Shaker Digestive Cordial. Its action is magical and worthy of its origin. Where there is distress after eating, heartburn, sick headache, bad taste in the mouth, biliousness, weakness and weariness, cold hands and feet, aversion to food, nervousness or any other symtom of dyspepsia, the Cordial will prove its curative virtues. Behind it is the reputation of a the murder of Frank Redmond, on the people who have never defrauded or de-

In order to test whether this remedy is rob Job Eldridge, the man whose store was adapted to your case, at practically no